



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,444	03/19/2004	Craig Tarbert		7218

7590 05/31/2006

Raymond M. Galasso
Simon, Galasso & Frantz PLC
P.O. Box 26503
Austin, TX 78755-0503

EXAMINER

LAU, HOI CHING

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,444

Applicant(s)

TARBERT, CRAIG

Examiner

Hoi C. Lau

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1-8, 10-14 and 16-20 have been examined.

Response to Arguments

2. Applicant's arguments filed March 20, 2006 have been fully considered but they are not persuasive. The followings are applicant's arguments:

- a. Issa teaches away from the use of a transmitting and receiving system.
- b. Issa teaches the use of an access code but does not provide and teaching wherein the access code can be bypassed or overridden.

The followings are response to applicant's arguments:

1. Regarding argument (a), Issa teaches the use of receiver on vehicle coupled to the continuity circuit (C). See rejection of claim 1.
2. Regarding arguments (b), Issa teaches the use of receiver to receive an enabling signal (access code) from transmitter (with enabled mode switch 132) wherein receiver is coupled to the continuity circuit (C) for enabling the current limiting circuit to activate the starter of vehicle if access code is correct and Machi is used to show a transmitter and receiver system for motor vehicle wherein system includes both disabling and enabling signal which can be bypassed or overridden. Also see rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Issa (U.S. 4,553,127) in view of Carlo et al. (U.S. 5,397,925).

Regarding **Claim 1**, Issa's device comprise:

A continuity circuitry (C) configured for enabling electrical continuity between a battery and a starter of a vehicle starting system to be selectively broken and made, whereby continuity circuitry is in a starting system disabled mode when electrical continuity is broken and in a starting system enabled mode when said electrical continuity is made (column 2, lines 9-17 and column 1, lines 43-63 and column 2, lines 1-32); and

A control circuitry (80) connected to continuity circuitry and configured for enabling continuity circuit to be selectively set to the starting system disabled mode and the starting system enabled mode (column 4, lines 44-63).

And control circuitry includes a signal receiver 136 couple to continuity circuit (C); the signal receiver facilitates setting continuity circuitry to the starting system (figure 7 and column 14-23 and column 4, lines 44-59).

It fails to show the receiver facilitates setting continuity circuitry to the starting system disabled or enable mode in response to receiving a first control signal and second control signal, respectively.

Carlo's device teaches the signal receiver facilitates setting continuity circuitry to the starting system disabled mode in response to receiving a first control signal, and

the signal receiver facilitates setting continuity circuitry to the starting system enabled mode in response to receiving a second control signal (column 9, lines 47-68 and column 10, lines 1-34).

It would have been obvious to one of ordinary skill in the art to combine the override transmitting and receiving system taught by Carlo with the continuity circuitry of vehicle as taught by Issa because it would facilitate the disabling and enabling function between the battery and starter system by limiting the first and second current level as taught by Issa (column 2, lines 10-24) to incorporate with the manual disabling and enabling control signal of Carlo which stimulates the controlling flexibility of the system.

As to **claim 2**, Issa teaches the continuity circuitry includes a battery switch (B and C) configured for being electrically spliced into a power cable connected between the battery and the starter; and

the battery switch (B and C) enables electrical continuity to be selectively made and broken (Figure 1-4 and column 3, lines 9-17).

As to **claim 3**, Issa teaches the battery switch is configured for being spliced into the power cable in an in-line fashion (Figure 1-4 and column 3, lines 9-17 and column 5, lines 7-10).

As to **claim 4**, Issa teaches a first electrical termination configured for being connected to a first connection point of the power cable, and a second electrical termination configured for being connected to at least one of a second connection point of the power cable, an electrical terminal of the battery and an electrical terminal of the starter (Figure 4 and column 2, lines 1-24).

As to **claim 5**, Issa teaches a third electrical termination coupled to one of the first electrical termination and the second electrical termination for having a power lead of a vehicle accessory item connected thereto for enabling electrical power to be provided to the accessory item while continuity circuitry is in the starting system disabled mode (column 4, lines 7-68 and column 5, lines 1-10).

As to **claim 6**, Issa teaches the control circuitry (80) includes an actuation device (74) configured for facilitating switching of continuity circuitry between the starting system disabled mode and starting system enabled mode (column 4, lines 7-43).

As to **claim 7**, Issa teaches the continuity circuitry (c) includes a battery switch configured for being electrically spliced into a power cable connected between the battery and the starter;

the actuation device is connected to a switching mechanism of the battery switch and is configured for moving the switching mechanism between a first position and a second position,

the first position corresponds to the starting system disabled mode; and

the second position corresponds to the starting system enabled mode (column 3 lines 9-17 and column 4, lines 7-63).

As to **claim 8**, Issa teaches the actuation device includes a solenoid connected to the switching mechanism of the battery switch (column 4, lines 19-43).

As to **claim 10**, Carlo's device teaches a signal transmitter configured for transmitting the first control signal and the second control signal for reception by the signal receiver (column 9, lines 47-68 and column 10, lines 1-34).

As to **claim 11**, Issa's device teaches a control circuitry (80) includes an actuation device configured for facilitating switching of continuity circuitry between the starting system disabled mode and starting system enabled mode (column 4, lines 7-43);

A continuity circuitry includes a battery switch configured for being electrically spliced into a power cable connected between the battery and the starter (Figure 1-4 and column 3, lines 9-17);

the actuation device is connected to a switching mechanism of the battery switch and is configured for moving the switching mechanism between a first position and a second position,

the first position corresponds to the starting system disabled mode; and

the second position corresponds to the starting system enabled mode (column 3 lines 9-17 and column 4, lines 7-63).

As to **claim 12**, Issa teaches a battery switch configured for enabling electrical continuity of a power cable connected between a battery and a starter of a vehicle starting system to be selectively broken and made, whereby the battery switch is in a starting system disabled mode when electrical continuity is broken and in a starting system enabled mode when electrical continuity is made (Figure 1-4 and column 3, lines 9-17); and

an actuation device connected to the battery switch and configured for selectively switching the battery switch between the starting system disabled mode and the starting system enabled mode (column 4, lines 7-43);

a signal receiver (136) couple to the actuation device, wherein the signal receiver facilitates setting the actuation device by allow the activation of starter system (figure 7 and column 14-23 and column 4, lines 44-59).

It fails to show setting the actuation device to the first position in response to receiving a first control signal and setting the actuation device to the second position in response to receive a second control signal.

Carlo's device teaches the signal receiver facilitates setting continuity circuitry to the starting system disabled mode in response to receiving a first control signal, and

the signal receiver facilitates setting continuity circuitry to the starting system enabled mode in response to receiving a second control signal (column 9, lines 47-68 and column 10, lines 1-34).

It would have been obvious to one of ordinary skill in the art to combine the override transmitting and receiving system taught by Carlo with the continuity circuitry of vehicle as taught by Issa because it would facilitate the disabling and enabling function between the battery and starter system by limiting the first and second current level as taught by Issa (column 2, lines 10-24) to incorporate with the manual disabling and enabling control signal of Carlo which stimulates the controlling flexibility of the system.

As to **claim 13**, Issa teaches the battery switch is configured for being spliced into the power cable in an in-line fashion (Figure 1-4 and column 3, lines 9-17 and column 5, lines 7-10).

As to **claim 14**, Issa teaches the actuation device is connected to a switching mechanism of the battery switch and is configured for moving the switching mechanism between a first position and a second position,

the first position corresponds to the starting system disabled mode; and

the second position corresponds to the starting system enabled mode (column 3 lines 9-17 and column 4, lines 7-63).

As to **claim 16**, the combination meets the limitation of claim and Carlo teaches a signal transmitter configured for transmitting the first control signal and the second control signal for reception by the signal receiver (column 9, lines 47-68 and column 10, lines 1-34).

See rejection of claim 12.

As to **claim 17**, Issa's device teaches a first electrical termination configured for being connected to a first connection point of the power cable;

a second electrical termination configured for being connected to at least one of a second connection point of the power cable, an electrical terminal of the battery and an electrical terminal of the starter; and

a third electrical termination coupled to one of the first electrical termination and the second electrical termination for having a power lead of a vehicle accessory item connected thereto for enabling electrical power to be provided to the accessory item while said continuity circuitry is in the starting system disabled mode (Figure 4 and column 2, lines 1-24 and column 4, lines 7-68 and column 5, lines 1-10).

Regarding **claim 18**, Issa's device comprises:

a battery (abstract);

a starter (abstract);

a battery switch electrically coupled between the battery and the starter, wherein the battery switch is configured for enabling electrical continuity between the battery and the starter to be selectively broken and made and wherein the battery switch is in a starting system disabled mode when electrical continuity is broken and in a starting system enabled mode when electrical continuity is made (column 3 lines 9-17 and column 4, lines 7-63);

an actuation device connected to the battery switch and configured for selectively switching the battery switch between the starting system disabled mode and the starting system enabled mode (column 4, lines 7-43).

a signal receiver 136 coupled to actuation device (figure 7 and column 6, lines 14-31).

It fails to show the receiver facilitates setting the actuation device to the first and second position in response to receiving a first control signal and second control signal, respectively.

Carlo's device teaches a signal receiver coupled to the actuation device, wherein the signal receiver facilitates setting the actuation device to a first position corresponding to the starting system disabled mode in response to receiving a first control signal and setting the actuation device to a second position corresponding to the starting system enabled mode in response to receiving a second control signal (column 9, lines 47-68 and column 10, lines 1-34).

It is rejected for similar reason set forth in the rejection of claim 1, supra.

As to **claim 19**, Issa's device teaches electrical continuity between the battery and the starter is provided through a power cable, and

the battery switch is electrically spliced into the power cable in an in-line fashion (Figure 1-4 and column 3, lines 9-17 and column 5, lines 7-10).

As to **claim 20**, Issa's device teaches the actuation device is connected to a switching mechanism of the battery switch and is configured for moving the switching mechanism between a first position and a second position,

the first position of the switching mechanism corresponds to the starting system disabled mode; and

the second position of the switching mechanism corresponds to the starting system enabled mode (column 3 lines 9-17 and column 4, lines 7-63).

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

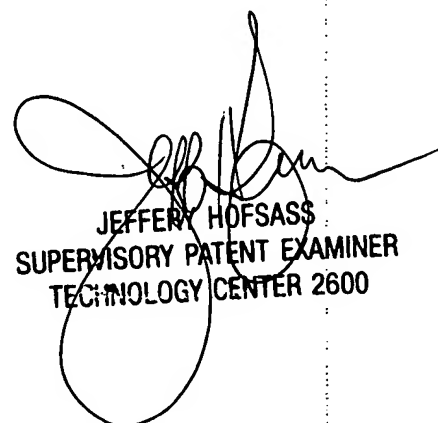
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoi C. Lau whose telephone number is (571)272-8547. The examiner can normally be reached on M- F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571)272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoi C. Lau
Art Unit 2612



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600